

# TUBULAR ULTRASOUND

DPW

MAY 2, 2005

U.S. PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

**ATTN: PEGGY YARBOROUGH – Please pass this to Peggy as she is familiar with this problem.**

**RE: APPLICATION NO, 10/633,024**

Dear Madame,

This hopefully will complete our discussions that we started on April 28, 2005. During these discussion, I have tried the Right Fax and and the other fax number that your provided and have had no success.

Enclosed are the following:

- Attachment A – Notice of Non-Compliant Amendment
- Attachment B – USPTO Application assignment
- Attachment C – Tubular Ultrasound Letter, March 24, 2005
- Attachment D – Application ,David Siverling et al, 7 pages
- Attachment E – Auto-reply Facimile Transmission (8 pages w/cover, 3/24/05, 11:18AM)
- Attachment F – Auto-reply Facimile Transmission (7 pages w/cover, 3/24/05, 11:14AM)


From our conversation on May 3, 2005, it appears that you do not have page 6 of the application. It is attached in Attachment D. The page number appears at the bottom of the page.

The history of the Notice of Non-Compliant Amendment was a result of not having page 6, which includes Claims 26, and 26 to 32. It appears that the fax documents in Attachment 8, at 11:14 AM, (7 pages), included only 7 pages and that the later fax, Attachment 7, at 11:21 AM, (8 pages), included the missing page 6, but was never received to complete your review.

We feel that we have complied with your request to include the canceled claims and note them as “(Canceled)” with no text.

Should you have any questions, please phone me at 713-806-3767.

Thanks you for your patience during this process.

  
Hugh Howerton  
For David Siverling

cc: David Siverling w/att.  
Hugh Howerton w/att.



Right Fox  
UNITED STATES PATENT AND TRADEMARK OFFICE

Write Fox  
571-273-1859



Attachment A

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 1450  
ALEXANDRIA, VA 22313-1450  
www.uspto.gov

### Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 3/24/05 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
  - ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_
- ☐ 2. Abstract:
  - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_
- ☐ 3. Amendments to the drawings: \_\_\_\_\_
- ☒ 4. Amendments to the claims:
  - ☒ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: Please submit a complete list of all claims including the cancelled claims.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Peggy Unborough  
Legal Instruments Examiner (LIE)

571 272-1859  
Telephone No.

Attachment B



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,024	08/01/2003	David E. Siverling	TUUL:0003	4728

7590 04/07/2005  
DAVID E. SIVERLING  
ENERGY TUBULAR  
9200 SHELDON ROAD  
HOUSTON, TX 77049



EXAMINER

MILLER, ROSE MARY

ART UNIT PAPER NUMBER

2856

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



TUBULAR ULTRASOUND

ATTACHMENT C

RE FAXED MARCH 24, 2005

March 15, 2005

U.S. Patent and Trademark Office

Dear Sir or Madam:

I would like to respond to your recent Office Action Summary, in the matter of our patent application number 10/633,024.

I hereby wish to resubmit our patent application. The attached listing of claims replaces any and all previous listing of claims.

Sincerely,

David Siverling

Sent via fax

8 PAGES TOTAL